UNITED STATES DISTRICT COURT DISTRICT OF SOUTH CAROLINA

Christopher Dunbar, # 288438,) C/A No. 1:12-2683-JFA-SVH
Plaintiff,)
VS.) ORDER
Michael McCall Jr;)
Lt Bennett;)
Lt Rodriguez;)
Sgt Goddard;)
Private Propella;)
Beverly A. Woods;)
Eileen Delanie;)
Kelley L. Manuel;)
Paula R. Jackson;)
Shekena L. Evans Richburg, and)
Cathy A. Jones,)
Defendants.))

This case is before the court because of Plaintiff's failure to comply with the magistrate judge's Order of October 10, 2012. (ECF No. 10).

A review of the record indicates that the magistrate judge ordered Plaintiff to submit items needed to render this case into proper form within twenty-one days, and specifically informed Plaintiff that if he failed to do so, this case would be dismissed *without prejudice*. The mail in which the Order was sent to Plaintiff at the address provided when the case was filed was returned to the court on or about October 22, 2012 with a stamp on it indicating "refused." (ECF No. 12). Out of an abundance of caution, the court sent the same documents to Plaintiff once more, but in a different

envelope, and re-set the proper-form deadline. (ECF No. 15). That mail was also returned to the court stamped "refused."

Plaintiff's refusal to accept the court's correspondence, which contains the initial Order and the blank documents needed to filled out by Plaintiff to bring the case into proper form, indicates an intent to not continue prosecuting this case and subjects this case to dismissal. *See* Fed. R. Civ. P. 41(b)(district courts may dismiss an action if a Plaintiff fails to comply with "any order of the court."); *see also Ballard v. Carlson*, 882 F.2d 93, 95 (4th Cir. 1989)(dismissal with prejudice appropriate where warning given); *Chandler Leasing Corp. v. Lopez*, 669 F.2d 919, 920 (4th Cir. 1982)(court may dismiss *sua sponte*).

Accordingly, this case is dismissed *without prejudice*. The Clerk of Court shall close the file.¹

IT IS SO ORDERED.

November 26, 2012 Columbia, South Carolina Joseph F. Anderson, Jr.
United States District Judge

¹ Under General Order, Misc. No. 3:07-5014-JFA, this dismissal *without prejudice* does *not* count as a "strike" for purposes of the "three strikes" provision of 28 U.S.C. § 1915(g). If Plaintiff wishes to bring this action in the future, he should obtain new forms for doing so from the Clerk's Office in Columbia (901 Richland Street, Columbia, South Carolina 29201).